

9/14/09 ← (Habeas Corpus)

1415 East Simpson Street  
JACKSON, Wyoming 83001

1 page U.S. District Court of Wyoming  
FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

Inmate No: 2009 0831 Docket No: 09-535 OCT 26 2009

TENTON County Jail in Jackson Wyo. (Place of Confinement)  
Stephan Harris Clerk

DERRICK L. Williams (The person for whom the writ is sought)  
Petitioner (is RESTRAINED of his Liberty)  
Vs. 09-CV-242J

State of Wyoming (Tenton County Deputy Prosecutor)

Respondent (Jefferson County Court in ALA)

(The State Attorney General of Wyoming - Bruce Salzburg)

I'm being RESTRAINED against my Liberty by Tenton County as a fugitive from justice. They say a WARRANT was issued from Jefferson County Courts by the copy of the document they provided me with is NO AUTHENTIC WARRANT, it does NOT have a judge or magistrate signature. <sup>NOR</sup> I identify itself as a WARRANT NOR does it identify me as being a fugitive from justice. Tenton County took it upon themselves to charge me as that. I have been RESTRAINED illegally since the August 28<sup>th</sup> 2005. The ~~was~~ charge of 1<sup>st</sup> degree Rape which was initially dropped 5 years ago after spending 1 year in jail. I'm being illegally ~~being~~ charged with this again AND being RESTRAINED. The document states that an indictment was given in Feb 2005 the same month the initial charge was dropped and I was released from jail, but I haven't been provided with an authentic indictment (2005), it also states a WARRANT was issued 1 year later Feb 2006 for my arrest but I haven't been provided an authentic copy of that neither.

The RESTRAINT is illegal: I'm no fugitive from justice in demanding State Alabama but now should there be a WARRANT for my arrest.

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The legality of the RESTRAINT is ~~is~~ ~~has~~ HAS NOT BEEN  
Adjudged in a prior proceeding of the SAME CHARACTER, to the  
best knowledge and belief of the applicant.

This is the petition for writ to any court or judge the 1<sup>st</sup> on  
being submitted.

I'm submitting this writ under 28 U.S.C. § 2254, 2241  
Wyoming Statute  
7-3-210 Right of Accused to counsel; opportunity to apply for writ of habeas Corpus. Notice/he

3) He is in custody in violation of the Constitution or laws  
or treaties of the United States:

7-3-211 Wyoming statute, (Ex parte Brugneaux, 7 Wyo. 103, 63 P.2d 804 (1937) 229 P.2d 924 (1951) Geyer v Tuck, 68 Wyo. 52,

I) There is an absence of available State corrective process (no appeal)  
process in regard to this matter, only Habeas in federal offer appeal for correction

c) An applicant shall not be deemed to have exhausted the remedies  
available in the courts of the State, within the meaning of this  
section, if he has the right under law of the State to raise, by  
any available procedure, the question presented.

1-27-103 (Courts and judges allowing allowing writ.)

Tyler v. Tyler, 15 Wyo. 319, 89 P.1 (1907)

253 Appeal (b) There shall be no right to appeal from a final order  
in a proceedings to test the validity of a warrant, (1) unless a circuit  
justice or judge issues a certificate of appealability, (2) a certificate  
of appealability under paragraph if the Applicant has made a substantial  
showing of the denial of a constitutional right



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(The Grounds are upon Alabama as well as Wyoming)

Grounds on which I'm being held in violation of Constitution, Laws, Treaties of United States: ~~On the~~ The document they are holding me on is not ~~warrant~~ (2006) (authentic warrant), nor have they shown me an indictment from 2005 (authentic). The sixth amendment and due process clauses of the fifth and fourteenth amendment guarantee an accused the right to be present during every (critical) stage of the criminal proceeding that is critical to the outcome, if his presence would contribute to fairness of procedure and the ~~proceeding~~ Constitution is even more explicit in its guarantee to an accused of the right of presence at trial. <sup>US</sup> Constitution Amends 4, 5, 6, 14 (Wyo. State Const. Art 1 § 10, Double jeopardy and Alabama Constitution and Statutes. Right to represent self, and represent with co-counsel Right to have discovery, deposition or copies of court document

Right to be free from cruel & unusual punishment  
Right to be treated with unnecessary rigor, Human treatment of inmate  
Right to exercise constitution Right without retaliation  
U.S. Constitution, Wyoming Constitution & Statutes, Alabama Constitution & Statutes

Facts supporting Grounds: Mr. Derrick L. Williams initially charged with 1<sup>st</sup> Degree Rape in Feb 2004. While incarcerated for a whole year the judge and court refuse to allow ~~me~~ him to represent himself or represent himself with the assist of counsel

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Now would the Jefferson County Court acknowledge any of the motions he would file such as self representation, self representation with co-counsel, request for discovery, deposition, court records in regards to case, copy of indictment which was never produced, ignored ~~with~~ requested to testify before grand jury which is a right in Alabama Constitution, Statue U.S. Constitution. Then the Jefferson County Jail start <sup>to</sup> violate the inmates for 14 days on mostly weekends the inmates were subjected to no running water. We did not have water to take showers, to drink, no did we have water to flush to toilets. We had to be subject to bowel movement in the toilet for hours which was unsanitary many inmates were catching staff infection due to unsanitary conditions. I was one of them. I wrote to the President <sup>Larry Langford</sup> Commissioner, of Jefferson County. I did not get a response. Prior to writing him we filed grievous which still donot resolved to situation. We wrote and requested to speak to Mike Hale who is over the sheriff ~~who~~ ~~where~~ in the jail no success. After I could not get any help from the ~~Commissioner~~ Larry Langford President Commissioner & Mike Hale Sheriff ~~and~~ Costa about the condition inmates being housed up under and not being able to exercise my constitutional rights in the court ~~house~~ of Jefferson County, I file a habeas Corpus to the federal District court 2004. My application was accepted. In Feb 2005 one morning I was told by the jailor that I would be going to trial ~~there~~ morning which I was unaware of prior to that. I was taken downstairs

DERICK L Williams  
D. Williams

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WILLIAMS  
D. Williams

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to processing while downstairs I was asked did I had any clothes for trial. After being downstairs for an hour or so I was taken back upstairs with no answers. After a couple of hours I was told by a jailer to ~~be~~ pack my things ~~that~~ I'm being released my charge was dropped. I couldn't understand how could they just ~~have~~ court without me. Through the whole process of being incarcerated for 1 year my constitution were violated & suspended. I was treated like a political prisoner and prisoner of war who was humiliated, disrespected ~~and~~ with no Constitutional Rights. They showed me that it didn't matter how much African American have been through, and have overcome, The U.S. Constitution wasn't written for you that in there eyes you are still a Negro. After I was set free I went back to New York City to finish working with the Not-for-profit Organization I started called SalWill Inc. So these allegation of me being a fugitive is not true. Alabama is doing what it has always been known for to disregard the supreme law of the land and do what it want to do. Alabama forfeit its right to pursue any charges against me when they refused to acknowledge my Constitution Rights as well as others. ~~and I humbly ask that you~~ I humbly ask that you do an judicial inquiry into this matter please others who are being violated as well.

I was Retaliated by jailer, started opening <sup>mail</sup> legal without my presence → Signature on Back →

Attachment to: Add to Motion

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On Oct 14, 2009 early in the morning before 8AM:  
I Derrick Williams gave Officer Fournier in house Jail  
Legal correspondence to Address to the Circuit Court of  
the Ninth Judicial District Teton, County Wyoming.  
A motion being filed as a defendant-Pro-Se to the Court.

Officer Fournier Ask me would I like to put the mail.  
in a envelope so no one could read it. I told him I didn't  
have one and the envelope where both fold, one addressed to the  
Clerk and other addressed to the Teton County Attorney  
Office. I express to him that I was told that the  
Teton County Court has a mail box in the Teton County  
Detention/Jail. Which I used before to file motion  
with the Court on the 22nd of Sept, 2009.

Later on Officer Fournier evening Officer Fournier  
Returned the two copies of motions addressed to the  
Court Clerk and County Attorney Office. He said he was  
told I would have to submit my motion through regular postal.  
Which didn't make any sense to me. Sgt. Bralier  
also inform me that the judge requested that all legal  
filing to the court by defendant who are representing  
Pro-Se are to be mail to the Postal Office, and  
not to put in the Court Mail box in Teton County Deten  
where the Court come and pick up Jail correspondence mail  
anyway.



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If the court can use the Jail correspondence box to send correspondence to the Jail for deposition, motion and petition which have been filed with the Court to give to the defendant, who is representing himself Pro-Se, the defendant-Pro-Se should be allowed to do like wise.

It is an out right denial of Constitutional Right. With deposition, petition, and motion being file by lawyers, County Attorneys, and orders being given on a daily bases, This is one of the main reasons why the Court has a correspondence box in the Jail Administration facility. It is a convient for the Court when the Jail, Court house, Clerk, Judge are on the same premises being near each other. If the Court is allowed to use the correspondence box by means I mention above, the defendant Pro-Se should be allow the same opportunity especially when Postal-mail is not Guaranteed in dealing with Court document that are filed for legal Court Proceeding such as deposition motion, petition, and orders. Time is the factor.

If the United States Constitution, said I have a right to represent and defend myself Pro-Se, and Wyoming State Constitution, which is part of the union of United States, says the same thing. It give the defendant Pro-Se the Constitution Right to the



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said privilege of submitting deposition, motions, petition to the Court by means of the correspondence box the Court have at Teton County Detention/Jail.

Under the U.S. Constitution, Wyoming State Constitution Art. (5) §(6) Commission of Judicial Conduct and Ethics. Wyoming Code of Judicial Conduct Canon (2). A judge shall perform the duties of judicial office impartially, competently, and diligently.

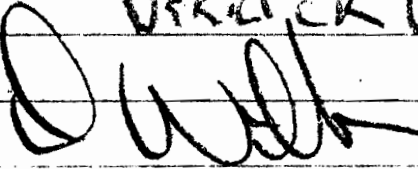
Rule 2.2. Impartiality and Fairness

A Judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.

(4) It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro-se the opportunity to have their matters fairly heard.

United States Constitution - Due Process of law and Equal Protection give the pro-se defendant that right.

This is to certify true and correct copies has been provided to Teton County Clerk and a copy for the County Attorney Office, by means of the correspondence box the Court has at the Teton County Detention

DERRICK WILLIAMS  
 10/14/09